

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

ANGELA HUGHES

PLAINTIFF

VERSUS

CIVIL ACTION NO: 5:09-cv-168-DCB-JMR

UNITED AUTOMOBILE INSURANCE COMPANY,
a wholly owned subsidiary of UNITED
AUTOMOBILE INSURANCE GROUP, JOSEPH K.
WHITAKER, individually and as Agent/
Employee/Representative of UNITED
AUTOMOBILE INSURANCE COMPANY, a wholly
owned subsidiary of UNITED AUTOMOBILE
INSURANCE GROUP and JOHN DOES 1-10

DEFENDANTS

ORDER

This cause comes before the Court on the plaintiff's Motion to Remand [docket entry no. 4]. The Court having read the briefs submitted by the parties now requires additional briefing on a singular issue. If the plaintiff's accident occurred at 8:30 a.m. on May 18, 2009, how is it that Agent Whitaker could be liable under any theory of law? Similarly, how could United Auto be liable? On the other hand, if the plaintiff's accident occurred at 8:30 p.m. on May 18, 2009, what specifically did Agent Whitaker do as agent for United Auto to cause United Auto to deny coverage?

The question before the Court, however, involves only the potential liability of Agent Whitaker. The parties offer insufficient evidence regarding the time of the accident which admittedly occurred on May 18, 2009. Is such evidence available? If so, the defendants are given twenty (20) days within which to respond to this order. The plaintiff is given ten (10) days to

file a reply to the defendants' response, and the defendants are given five (5) days to file a rebuttal to the plaintiff's reply.

SO ORDERED this the 6th day of May 2010.

s/ David Bramlette

UNITED STATES DISTRICT JUDGE